

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JANUARY 10, 2000 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson Seng; Council Members: Camp, Cook, Fortenberry, Johnson, McRoy, Shoecraft; Paul A. Malzer, Jr., City Clerk.

The Council stood for a moment of silent meditation.

READING OF THE MINUTES

CAMP Having been appointed to read the minutes of the City Council proceedings of Dec. 20, 1999, reported having done so, found same correct.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

PUBLIC HEARING

APP. OF WADSWORTH OLD CHICAGO, INC. DBA OLD CHICAGO FOR A CLASS I LIQUOR LICENSE AT 826 P ST.;

MAN. APP. OF JULIE ANN SCHLUETER FOR WADSWORTH OLD CHICAGO, INC. DBA OLD CHICAGO AT 826 P ST. - Julie Ann Schlueter, 5042 R St., Apt. 131, took oath & came forward to answer any questions.

This matter was taken under advisement.

APP. OF KJ & E, L.L.C. DBA SILVER STAR STEAK & BUFFET FOR A CLASS I LIQUOR LICENSE AT 5551 S. 48TH ST. ;

MAN. APP. OF RONALD DEE BARTHOLOMEW JR. FOR KJ & E, L.L.C. DBA SILVER STAR STEAK & BUFFET AT 5551 S. 48TH ST. - Ronald Lee Bartholomew, 8008 Lowell Ave., took oath & came forward to answer any questions.

This matter was taken under advisement.

MAN. APP. OF BRITANY SUSANNE CARLSON FOR WHITEHEAD, INC. DBA U STOP CONVENIENCE SHOP AT 610 S. 10TH ST. - Britany Susanne Carlson, 3070 Vine St., took oath & came forward to answer any questions.

This matter was taken under advisement.

MAN. APP. OF DANNY LEE BOLIN FOR WHITEHEAD OIL COMPANY DBA U STOP CONVENIENCE SHOP AT 240 N. 17TH ST. - Danny Lee Bolin, 5740 Dogwood Dr., took oath & came forward to answer any questions.

This matter was taken under advisement.

MAN. APP. OF KRISTOPHER L. ANDERSON FOR PICKFAIR ENTERTAINMENT CORP. DBA BIG RED KENO SPORTS BAR & GRILL AT 955 W. O ST. - Kristopher L. Anderson, 6820 Ballard Ave., took oath & came forward to answer any questions.

This matter was taken under advisement.

MAN. APP. OF HEATHER NICOLE STUTZMAN FOR BVR INC. DBA KAMIKAZE'S AT 1600 "O" ST. - Heather Nicole Stutzman, 2545 Teresa, took oath: Do you have any questions?

Annette McRoy, Council Member: Are you going to be changing the format of the bar that was formerly Temptations?

Ms. Stutzman: I already have. We're doing 70's, 80's, 90's Top 40 kind of thing as opposed to the music that was there previously. I did work at Temptations as the office manager ...

Ms. McRoy: I can't hear you, could you speak up?

Ms. Stutzman: I worked at Temptations as the office manager so I wouldn't have gotten involved in it if I had planned on staying and keeping it that format. So, we've already changed it and the crowd is entirely different now.

Ms. McRoy: What is the age group of your patrons now?

Ms. Stutzman: Right now we're doing 19 and over on Thursdays and we're doing 19 and over right now for, we're kind of discussing that right now. I have another person that's assisting with the management which we're probably going to take away the 19, 20 on the weekend and just do, 'cause it's slow right now, but since schools back this week we're going to do 19 and over on Thursdays only. And, uh, it's a little slow right now, but that's why we're doing that, but ...

Ms. McRoy: On your application it says that you're employed with People's Natural Gas. Will you continue to be employed there why you're running this establishment full-time?

Ms. Stutzman: Yes, but I did go to part-time and starting on Monday my hours will be 8-12 Monday thru Friday, so very part-time.

Ms. McRoy: But, you'll be at the establishment full-time in the evenings?

Ms. Stutzman: Oh, yes all the time.

Jeff Fortenberry, Council Member: I have a question for Officer Fosler. Under the application Item 23 is checked as yes, but I don't see an attached sheet unless the ...

Officer Fosler, Police Dept.: If you would check on the backside of sheet number 2, I believe, Jeff, 2 or 3. It's on the back.

Mr. Fortenberry: Thank you.

This matter was taken under advisement.

ASSESSING THE COSTS INCURRED BY THE CITY SINCE JAN. 1, 1999 THROUGH DEC. 31, 1999, FOR CUTTING WEEDS AGAINST VARIOUS BENEFITTED PROPERTIES - Russ Shultz, Supt. of Noxious Weed Control Authority: I guess there was three violations that there were some questions about and I provided you with a report on those three. I can go over my summary of those three. One property at 200 W. F St., there's letters attached to that report and the landowner, I guess, that has made a partial payment is asking for a refund. In my summary statement I'm saying that after a complaint on 9/20/99 a notice was issued. Three inspections, a notice warning card, and then a contractor completed a cutting of the overgrown vegetation. The owner contacted us the same day we, our contractor was out there and our contractor completed the work in the morning and the owner indicated they did additional work in the afternoon removing woody vegetation. The woody vegetation that was removed was not in violation. It was the overgrowth that was in violation and that's what our contractor removed on the morning that was on the 15th. And, subsequent to that he did make a payment of \$79.00. Did inform us that he did additional work, but this was above and beyond what we had said was in violation. Any questions on that one?

Mr. Fortenberry: Well, we spoke in the hall area so I think I clarified my concern about the particular constituent that contacted me

and your commitment is to try to work with them a little more aggressively to insure there's a clear understanding of what needs to be done or how the situation can be mitigated in the future so that you're not back out there and it's taken care of.

Mr. Shultz: Yes, I'll call up and make contacts with the owner and try to get something worked out so he has a timely mowing schedule so that we don't, he takes care of his responsibilities and we don't have to site him for a violation. Then there was one other one that indicated that on the property at 1721 S. 49th St. that an ownership change due to an auction, I guess, but at the time, as indicates in the summary, at the time our notice was delivered it was the owner of record and the time we did the control work it was still the owner of record and there was a deed filed on 12/15/99 that changed ownership, but in accordance with the ordinance it is a assessable cost against the property. So, unless the Law office has some other interpretation that it seems to be that it is an assessable amount.

Coleen Seng, Council Member: Has Law looked at that?

Mr. Shultz: Excuse me?

Ms. Seng: Has Law looked at that?

Dana Roper, City Attorney: No.

Mr. Shultz: It's an issue that's very common. One of the problems we have is we may do a force control work in May, we don't have the special assessment hearing until now, there's an ownership change between now and then, it shouldn't relieve the individual of that property of handling that. That's something that happens quite often. I guess I'd like to see something dealt with that. Under Noxious Weed Control we file with the Register of Deeds of special unpaid weed assessment and then when someone is looking at the ownership change that comes to their attention that there is some money owed against that property and then it can get taken care of before the property changes. So, we do have this gap in here with just a special assessment hearing once a year.

Ms. Seng: Are you going to deal with that sometime?

Mr. Shultz: Well, I will pursue some recommendations along that line if you think it would be wise to do so. I think it would be helpful to me.

Mr. Fortenberry:(inaudible) last year that we were considering this?

Mr. Shultz: Yes. Yes. Things are all out front if we have some kind of process there like that so if there is an ownership change that the Title Co. can check out what's owed against the property and it can be dealt with at that time rather than a new owner comes in and they're really caught cold. It doesn't leave a very good ...

Mr. Fortenberry: You'll be giving a report to the Common's in a couple of weeks, why don't you take a minute or two to bring that issue up and perhaps the City and County can work together on that and we can expedite a process in which, at least, a property tax record could be flagged or something that this is now something that's going to be outstanding if it should sell.

Mr. Shultz: Yeah, I'd be glad to do that. The other one was the Dugas property. Any other, do have any questions about that one? This one is the one where he indicated we didn't do, he did more work than we did, but the issue is that it was only cut once during the year. We did a portion of the work, he did a portion of the work, but the portion of the work that we did was done in keeping with the ordinance and this is

the one that I was indicating to Jeff that we will follow up on and work with him in the future.

This matter was taken under advisement.

VACATING HACKBERRY LN. BETWEEN ANTHONY LN. & E. HILLCREST DR., LOCATED IN THE THREE-MILE JURISDICTION OF THE CITY - City Clerk: We did receive a request in regards to Item 10 that this particular resolution be placed on Pending until the County Board has taken action on this vacation. So, if there is no one here in regard to the Public Hearing I'd entertain a motion that we place Item 10 on Pending.

Ms. Johnson: So moved.

Mr. Shoecraft: Second.

Seconded by Shoecraft & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

Ms. Seng: That's just for one week?

City Clerk: No. If you read the memo they're talking something around January 25th or whatever.

MISCELLANEOUS HEARING

Mike Morosin, 2055 S. St.: A number of citizens have asked him to ask for a definitive response to the concerns of the bidding process involving Rural Metro and the EMS contract. List of concerns is on file in the City Clerk's Office.

This matter was taken under advisement.

Terry Kubicek, 1800 S. 53rd St.: Echo'd comments made by Mike Morosin. Request that Mayor's office and City Council look into those concerns very seriously. Need to have a honest, level playing field in the open bid process.

This matter was taken under advisement.

Glen Cekal, 1420 C St.: Talked about the traffic problem at 10th and O Street. Feels there should be two turning lanes going west. He suggested there be no parking along 10th St. on the block where the Terminal Building & parking lot is.

This matter was taken under advisement.

ORDINANCES - 3RD READING

AMENDING CHAPTER 27.63 OF THE LMC TO ALLOW OFF-PREMISES SIGNS WITHIN 500' MEASURED IN ALL DIRECTIONS FROM A SENSITIVITY ZONE; & AMENDING CHAPTER 27.69 TO AMEND THE REQUIREMENTS FOR OFF-PREMISES SIGNS TO REQUIRE AN ADMINISTRATIVE PERMIT FOR THE INSTALLATION OF AN OFF-PREMISES SIGN, TO PROVIDE FOR THE REMOVAL OF A NON-CONFORMING OFF-PREMISES SIGN IN ORDER TO OBTAIN THE ADMINISTRATIVE PERMIT, TO PROVIDE FOR THE AUTOMATIC EXPIRATION OF THE ADMINISTRATIVE PERMIT, TO PROVIDE PROVISIONS FOR RENEWAL OF THE PERMIT, TO PROVIDE SPACING REQUIREMENTS BETWEEN OFF-PREMISES SIGNS & BETWEEN OFF-PREMISES SIGNS & ENTRY CORRIDORS, DESIGNATED ZONING DISTRICTS, & DESIGNATED USES & ACTIVITIES, TO PROVIDE RESTRICTIONS ON LIGHTING, & TO PROVIDE FOR THE REMOVAL OF ABANDONED OFF-PREMISES SIGNS - PRIOR to

reading:

FORTENBERRY Moved to accept a substitute ordinance for Bill 99-137.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CLERK Read an ordinance, introduced by Jon Camp, an ordinance amending Title 27 of the LMC relating to signs by adding a new section numbered 27.63.710 to allow off-premises signs to be located in a sensitivity zone by special permit; amending §27.69.030 to delete a reference to off-premises signs in the Capitol View Corridor Overlay Dist.; amending §27.69.035 to delete reference to a limited moratorium & off-premises signs & to adopt general requirements for off-premises signs; amending §27.69.045 relating to permitted signs in the B-1 zoning district to eliminate the spacing provisions for off-premises signs & to provide that the location of said signs are subject to the provisions of §27.69.035; amending §27.69.047 relating to permitted signs in the H-1 & H-4 zoning districts to eliminate the spacing provisions for off-premises signs & to provide that the location of said signs are subject to the provisions of §27.69.035; amending §27.69.048 relating to permitted signs to H-2 zoning district to eliminate the spacing provisions for off-premises signs & to provide that the location of said signs are subject to the provisions of §27.69.035; amending §27.69.049 relating to permitted signs in the H-3 zoning district to eliminate the spacing provisions for off-signs & to provide that the location of said signs are subject to the provisions of §27.69.035; amending §27.69.050 relating to permitted signs in the B-3 zoning district to eliminate the spacing provisions for off-premises signs & to provide that the location of said signs are subject to the provisions of §27.69.035; amending §27.69.070 relating to permitted signs in the B-4 zoning district to eliminate the spacing provisions for off-premises signs & to provide that the location of said signs are subject to the provisions of §27.69.035; amending §27.69.075 relating to permitted signs in the I-1 zoning district to eliminate the spacing provisions for off-premises signs & to provide that the location of said signs are subject to the provisions of §27.69.035; & repealing §§27.69.030, 27.69.035, 27.69.045, 27.69.047, 27.69.048, 27.69.050, 27.69.070, & 27.69.075 of the LMC as hitherto existing, the third time.

CAMP Moved to pass ordinance as read.

Seconded by Shoecraft & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered **#17585**, is recorded in Ordinance Book No. 24, Page

VACATING THE SOUTHERN 5'6" OF Q ST. BETWEEN 11TH ST. & 50' WEST OF 12TH ST.

(12/20/99 - AMENDED) - CLERK read an ordinance, introduced by Jonathan Cook, vacating the southern 5 feet 6 inches of Q Street between 11th Street & 50 feet west of 12th Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

COOK Moved to pass ordinance as read.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered **#17586**, is recorded in Ordinance Book No. 24, Page

VACATING THE E. SAVANNAH CIR. RIGHT-OF-WAY STUB EAST OF S. 38TH ST. - CLERK read an ordinance, introduced by Jonathan Cook, vacating the East Savannah circle right-of-way stub east of South 38th Street, and retaining title

thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

COOK Moved to pass ordinance as read.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered #17587, is recorded in Ordinance Book No. 24, Page

PETITIONS & COMMUNICATIONS

THE FOLLOWING WERE REFERRED TO PLANNING DEPT:

Change of Zone 3220 - App. of Brian D. Carstens for change to LMC 27.69.044, permitted signs; O-1, O-2, O-3.

Change of Zone 3221 - App. of Planning Director related to the Lincoln Ballpark two changes from P to I-1 and two from I-1 to P.

Change of Zone 3223 - App. of Planning Director to change LMC 27.07.080 minimum lot area, county section (and ½ section) line road right-of-way is included for the purpose of determining area.

Change of Zone 3224 - App. of Planning Director to LMC new section 27.71.091 to permit light wells in required yards.

Change of Zone 3226 - App. of Crawford G. Pierce from I-2 to H-3 at West Commerce Way and West Bond Street.

Change of Zone 3228 - App. of Jerome Hittner from AG to R-3 at 84th & Old Cheney.

Change of Zone 3229 - App. of Greenwood Hollow, a Nebraska Partnership, Ed Foster from R-2 Residential to R-4 Residential at 56th & Pioneers.

Change of Zone 3230 - App. of Planning Director to revise Section 27.55.040(d) of the Lincoln Zoning Ordinance by deleting the reference to sea level.

Use Permit No. 11F - App. of Silver Offices, L.L.C. to develop 31,000 sq. ft. of office & early childhood care uses at South 32nd & Pine Lake Rd.

Use Permit No. 96A - App. of Mark Hunzeker to amend Use Permit No. 96.

Special Permit No. 228H - App. of Russell Semm to amend front yard setback in order to build a residence at 252 W Lakeshore Dr.

Special Permit 228I - App. of John Otley, Jack Peterson, Anna Hirschman, Joan Weeks, & Jim Harmon to reduce front yard setback for existing carports at 432, 412, 482, 332, 492 W. Lakeshore Dr.

Special Permit No. 494D - App. of Wm. E. Gordon, Edward Last, Stephen C. Ravitz to expand Special Permit 494C & allow home sites to be identified as envelopes at S.W. 11th & West Peach St.

Special Permit No. 1423C - App. of Dru, Guy & Davie Lammle to amend Special Permit No. 1423C.

Special Permit No. 1715A - App. of Donna M. Culwell in accord w/LMC 27.63.400, amend Special Permit 1715 to preserve the landmark of Yates House by expanding "Special Events" to include regularly scheduled operation of a tea room on 1st floor at 720 S. 16th St.

Special Permit No. 1819 - App. of Ray Burcham to build an addition of 24'4" x 24' to the existing house at 2613 S. 9th St.

Special Permit No. 1822 - App. of NEBCO Inc. for sale of alcoholic beverages for consumption on the premises pursuant to 27.47.030(x) at 6th & Charleston.

Special Permit No. 1823 - App. of NEBCO, Inc. to exceed the maximum height

permitted in the district pursuant to 27.47.030(j) at 6th & Charleston.

Special Permit No. 1824 - App. of Greenwood Hollow, Ed Foster to develop a 98 unit domiciliary care facility for people requiring limited assistance at the Northwest corner of 56th St. & Pioneers Blvd.

Change of Zone No. 3225 - App. of Gary Bredehoft, Olsson Assoc. for a change from R-3 to O-3 and O-3 to R-3 on property at 14th & Yankee Hill.

Change of Zone No. 3231 - App. of Lincoln Federal Savings Bank for a change from R-3 to R-4 on property located in the North ½ of Section 12, T10N, R6E of the 6th P.M. Lancaster County, Nebraska.

Change of Zone N. 3233 - App. of Lincoln North Creek, L.D.C. to change from R-3 to R-4 on property at Fletcher Ave. & Telluride Dr.

Use Permit No. 126 - App. of Olsson Assoc. to develop 275,000 Sq. Ft. of Office used at 14th & Yankee Hill Rd.

Special Permit No. 1649A - Ap. of Tabitha, Inc. for a wireless communications facilities at 4720 Randolph.

Special Permit No. 1826 - App. of August J. Piazza et. al. Co. Trustee to allow a domiciliary care facility and housing for the elderly at 444 S. 56th St.

FORMAL PETITION TO VACATE A PORTION OF MERIDIAN DR. FROM FLETCHER AVE. TO CASCADE DR. SIGNED BY HOME REALTY, INC. - CLERK presented said petition which was referred to the Law Dept.

REPORT OF UNL MICROBIOLOGIST FOR WATER TESTING FOR THE MONTH OF DEC., 1999 - CLERK presented said report which was placed on file in the Office of the City Clerk.

APP. OF MEDICI FOUNDATION TO CONDUCT A RAFFLE WITHIN THE CITY OF LINCOLN - CLERK requested a motion to set hearing date for Tues., Jan. 18, 2000 at 6:30 p.m.

JOHNSON So moved.

Seconded by Fortenberry & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

REPORTS TO CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON DEC. 13, 1999 - CLERK presented said report which was placed on file in the Office of the City Clerk.

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASS ON DEC. 20, 1999, EXCEPT FOR RESOLUTION NO. A-79933 (SPECIAL PERMIT NO. 1786 - APP. OF QUIN-C, INC. TO DEVELOPMENT BLACK FOREST ESTATES C.U.P. AND RESOLUTION NO. A-79934 (PRELIMINARY PLAT OF BLACK FOREST ESTATES) WHICH THE MAYOR VETOED

CAMP Moved to reconsider Resolutions A-79933 & A-79934 on 1/18/00.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

INVESTMENT OF FUNDS - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-79950 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed & approved, & the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council. (Investments beginning 12/17/99)

Introduced by Annette McRoy

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

INVESTMENT OF FUNDS - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-79951 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed & approved, & the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council. (Investments beginning 12/27/99)

Introduced by Annette McRoy

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

INVESTMENT OF FUNDS - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-79952 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed & approved, & the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council. (Investments beginning 12/31/99)

Introduced by Annette McRoy

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

REPORTS FROM CITY TREASURER OF TELECOMM. OCC. TAX DUE AS FOLLOWS: **SEPT., 1999:** AT&T, Frontier, UStel; **Oct., 1999:** USA Paging; **Nov., 1999:** Alltel, Assn Adm., I-Link Comm., Sprint, Equality, GTC, Telco, Phoenix Network, Worldtel, Globalcom, Inacom, Working Assets, McLeod USA, Global, GST Net, Stormtel, UniDial, LDM Systems, NOSVA, Long Distance of Michigan, Tri-M, Glyphics, Affinity, Nestel West, NOS Comm., Incomnet, Nextlink, RSL Com USA, Sprint Spectrum, Network, D & D Comm., Destia, Cincinnati Bell, Primus, Network Billing Systems, Intelicall, USA Paging, Excel, Airtime SMR, Shaffer, LCI Int'l, Calls for Less, Eclipse, Comdata, IBM Global, Trans Nat'l, Lincoln Celtel, Business Telecom., Coast Int'l., Executive Answering Service; **DEC., 1999:** Executive Answering Service - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REPORT FROM CITY TREASURER OF CASH ON HAND AT THE CLOSE OF BUSINESS ON 11/30/99 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

REPORT OF CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF NOV., 1999 FROM

UTILICORP UNITED GAS CO. - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

ASSESSING THE COSTS INCURRED BY THE CITY SINCE JAN. 1, 1999 THROUGH DEC. 31, 1999, FOR CUTTING WEEDS AGAINST VARIOUS BENEFITTED PROPERTIES - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-79945 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that:

The costs for cutting, clearing, and removing weeds and other worthless vegetation as shown on the attached list for January 1, 1999 through December 31, 1999 be and the same are hereby assessed against the properties set opposite each amount, as shown thereon.

Introduced by Cindy Johnson

Seconded by Shoecraft & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

OTHER RESOLUTIONS

APP. OF WADSWORTH OLD CHICAGO, INC. DBA OLD CHICAGO FOR A CLASS I LIQUOR LICENSE AT 826 P ST. - CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption for approval:

A-79937 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Wadsworth Old Chicago, Inc. dba "Old Chicago" for a Class "I" liquor license at 826 "P" Street, Lincoln, Nebraska, for the license period ending April 30, 2000, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jeff Fortenberry

Seconded by Shoecraft & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

MAN. APP. OF JULIE ANN SCHLUETER FOR WADSWORTH OLD CHICAGO, INC. DBA OLD CHICAGO AT 826 P ST. - CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption for approval:

A-79938 WHEREAS, Wadsworth Old Chicago, Inc. dba "Old Chicago" located at 826 "P" Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Julie Ann Schlueter be named manager;

WHEREAS, Julie Ann Schlueter appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Julie Ann

Schlueter be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jeff Fortenberry

Seconded by Shoecraft & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APP. OF KJ & E, L.L.C. DBA SILVER STAR STEAK & BUFFET FOR A CLASS I LIQUOR LICENSE AT 5551 S. 48TH ST. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-79939 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of KJ & E, L.L.C. dba "Silver Star Steak & Buffet" for a Class "I" liquor license at 5551 South 48th Street, Lincoln, Nebraska, for the license period ending April 30, 2000, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Shoecraft & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

MAN. APP. OF RONALD DEE BARTHOLOMEW JR. FOR KJ & E, L.L.C. DBA SILVER STAR STEAK & BUFFET AT 5551 S. 48TH ST. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-79940 WHEREAS, KJ & E, L.L.C. dba "Silver Star Steak & Buffet" located at 5551 South 48th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Ronald Dee Bartholomew Jr. be named manager;

WHEREAS, Ronald Dee Bartholomew Jr. appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Ronald Dee Bartholomew Jr. be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Shoecraft & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

MAN. APP. OF BRITANY SUSANNE CARLSON FOR WHITEHEAD, INC. DBA U STOP CONVENIENCE SHOP AT 610 S. 10TH ST. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-79941 WHEREAS, Whitehead, Inc. dba "U Stop Convenience Shop" located at 610 South 10th Street, Lincoln, Nebraska has been approved for a Retail Class "B" liquor license, and now requests that Britany Susanne Carlson be named manager;

WHEREAS, Britany Susanne Carlson appears to be a fit and proper

person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Britany Susanne Carlson be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Shoecraft & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

MAN. APP. OF DANNY LEE BOLIN FOR WHITEHEAD OIL COMPANY DBA U STOP CONVENIENCE SHOP AT 240 N. 17TH ST. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-79942 WHEREAS, Whitehead Oil Company dba "U Stop Convenience Shop" located at 240 North 17th Street, Lincoln, Nebraska has been approved for a Retail Class "B" liquor license, and now requests that Danny Lee Bolin be named manager;

WHEREAS, Danny Lee Bolin appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Danny Lee Bolin be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Shoecraft & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

MAN. APP. OF KRISTOPHER L. ANDERSON FOR PICKFAIR ENTERTAINMENT CORP. DBA BIG RED KENO SPORTS BAR & GRILL AT 955 W. O ST. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-79943 WHEREAS, Pickfair Entertainment Corp. dba "Big Red Keno Sports Bar & Grill" located at 955 West "O" Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Kristopher L. Anderson be named manager;

WHEREAS, Kristopher L. Anderson appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Kristopher L. Anderson be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Shoecraft & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

MAN. APP. OF HEATHER NICOLE STUTZMAN FOR BVR INC. DBA KAMIKAZE'S AT 1600 "O" ST.
- CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-79944 WHEREAS, BVR Inc. dba "Kamikaze's" located at 1600 "O" Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Heather Nicole Stutzman be named manager;

WHEREAS, Heather Nicole Stutzman appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Heather Nicole Stutzman be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Shoecraft & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

VACATING HACKBERRY LN. BETWEEN ANTHONY LN. & E. HILLCREST DR., LOCATED IN THE THREE-MILE JURISDICTION OF THE CITY - PRIOR to reading:

JOHNSON Moved to place Bill 99R-374 on Pending.

Seconded by Shoecraft & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPOINTING STEVE KIENE TO THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD FOR A 3-YR. TERM EXPIRING DEC. 31, 2002 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-79946 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Steve Kiene to the Lincoln Electric System Administrative Board for a three-year term expiring December 31, 2002 is hereby approved.

Introduced by Annette McRoy

Seconded by Johnson & carried by the following vote: AYES: Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: Camp.

APPOINTING JUNE REMINGTON TO THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD FOR A 3-YR. TERM EXPIRING DEC. 31, 2002 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-79947 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of June Remington to the Lincoln Electric System Administrative Board for a three-year term expiring December 31, 2002 is hereby approved.

Introduced by Annette McRoy

Seconded by Johnson & carried by the following vote: AYES: Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: Camp.

APPOINTING TOM SCHLEICH TO THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD FOR

A 3-YR. TERM EXPIRING DEC. 31, 2002 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-79948 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Tom Schleich to the Lincoln Electric System Administrative Board for a three-year term expiring December 31, 2002 is hereby approved.

Introduced by Annette McRoy

Seconded by Shoecraft & carried by the following vote: AYES: Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: Camp.

SETTING HEARING DATE OF MON., JAN. 24, 2000 AT 1:30 P.M. ON THE APP. OF LINCOLN HOLDINGS, LTD. DBA "YIA YIA'S" FOR A RETAIL CLASS C LIQUOR LICENSE AT 1423 "O" - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-79949 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Jan.24, 2000, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the following App. of Lincoln Holdings, LTD dba "Yia Yia's" for a Retail Class "C" Liquor License at 1423 "O" Street.

Introduced by Annette McRoy

Seconded by Shoecraft & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING HEARING DATE OF MON., JANUARY 24, 2000 ON THE APP. OF FAMOUS DAVE'S RIBS-U, INC. DBA "FAMOUS DAVE'S" FOR A LIQUOR CATERING LICENSE AT 2750 PINE LAKE ROAD - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-79953 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Jan. 24, 2000, at 1:30 p.m or as soon thereafter as possible in the City Council Chambers, county-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the following App. of Famous Dave's Ribs-U, Inc. dba "Famous Dave's" for a Liquor Catering License at 2750 Pine Lake Road.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Annette McRoy

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ORDINANCES - 1ST

AMENDING SECTION 8.20.050 OF THE LMC TO REFLECT CHANGES MADE TO THE NEBRASKA PURE FOOD ACT - CLERK read an ordinance, introduced by Annette McRoy, amending Chapter 8.20 of the LMC, the Lincoln Food Code, by amending Section 8.20.050 regarding the adoption of sanitation standards and regulations to reflect changes made to the Nebraska Pure Food Act; and repealing Section 8.20.050 of the LMC as hitherto existing, the first time.

CHANGE OF ZONE 3217 - APP. OF RIDGEWOOD NEIGHBORHOOD ASSOC. FOR A CHANGE FROM AG AGRICULTURAL TO AGR AGRICULTURAL RESIDENTIAL ON PROPERTY GENERALLY LOCATED

1/4 MILE SOUTH & EAST OF THE CORNER OF S.W. 27TH ST. & W. DENTON RD. - CLERK read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the LMC, as provided by Section 27.05.020 of the LMC, by changing the boundaries of the districts established and shown thereon, the first time.

CHANGE OF ZONE 3218 - APP. OF THE PLANNING DIRECTOR TO AMEND THE ZONING ORDINANCE OF THE LMC TO ADD CHAPTER 27.68 RELATING TO PROVISIONS FOR "PERSONAL WIRELESS FACILITIES" TO PROVIDE A PURPOSE, DEFINITIONS, TO PROVIDE FOR PERMITS, PERMITS TERMS, RENEWAL APPLICATIONS, RENEWAL DETERMINATIONS, CONDITIONS FOR RENEWAL, LOCATION PREFERENCES, APPLICATION REQUIREMENTS, STANDARDS FOR EVALUATION, DESIGN CRITERIA, GENERAL REQUIREMENTS, ABANDONMENT OF FACILITIES, & TO ALLOW PERSONAL WIRELESS SERVICES FACILITIES IN ANY ZONING DISTRICT. (IN CONNECTION W/00-4) - PRIOR to reading:

SHOECRAFT Moved to have 2nd & 3rd Readings of Bill 00-3 without Emergency Clause on 1/18/00.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CLERK Read an ordinance, introduce by Annette McRoy, amending Title 27 of the LMC by adding a new section 27.68.010 to provide a purpose; adding a new section 27.68.020 to provide definitions; adding a new section 27.68.030 to provide for permits; adding a new section 27.68.040 to provide for a permit term; adding a new section 27.68.050 to provide for renewal applications; adding a new section 27.68.060 to provide for renewal determinations; adding a new section 27.68.070 to provide for conditions for renewal; adding a new section 27.68.080 to provide for location preferences; adding a new section 27.68.090 to provide application requirements; adding a new section 27.68.100 to provide standards for evaluation; adding a new section 27.68.110 to provide for design criteria; adding a new section 27.68.120 to provide for general requirements; adding a new section 27.68.130 to provide for abandonment of facilities; adding a new section 27.68.140 to allow personal wireless services facilities in any zoning districts; adding a new section 27.63.720 to allow personal wireless services facilities in any zoning district, the first time.

CHANGE OF ZONE 3219 - APP. OF THE PLANNING DIRECTOR TO AMEND SECTIONS 27.03.110 & 27.63.150 OF THE LMC RELATING TO THE DEFINITION OF "BROADCAST TOWER" & THE GUIDELINES FOR REVIEW OF A SPECIAL PERMIT FOR A "BROADCAST TOWER". (IN CONNECTION W/00-3) - PRIOR to reading:

SHOECRAFT Moved to have 2nd & 3rd Reading of Bill 00-4 without emergency clause on 1/18/00.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CLERK Read an ordinance, introduced by Annette McRoy, amending Title 27 of the LMC, the Zoning Code, by amending Section 27.03.110 to amend the definition of "broadcast tower" to provide that personal wireless service facilities not exceeding fifty feet in height shall not be considered broadcast towers; by amending Section 27.63.150 to provide that broadcast towers allowed by special permit shall be reviewed under the guidelines

established in Chapter 27.68, Personal Wireless Facilities; repealing §27.03.110 and 27.63.150 of the LMC as hitherto existing; and declaring an emergency, the first time.

AMENDING SECTION 6.08.160 OF THE LMC TO INCREASE THE MINIMUM FINE FOR BARKING DOGS TO \$50.00 - CLERK read an ordinance, introduced by Annette McRoy, amending Chapter 6.08 of the LMC by amending Section 6.08.160 relating to barking dogs to raise the minimum fines for first and second offenses and to specify the business premises of licensed veterinarians as an exception to the section; amending Section 6.08.350 to allow specific penalties under Section 6.08.160; and repealing Section 6.08.160 and 6.08.350 of the LMC as hitherto existing, the first time.

APPROVING A LEASE AGRMT. BETWEEN THE CITY & PHANTOM, INC. FOR THE LEASE OF CITY OWNED PROPERTY FOR USE AS AN IMPOUND LOT FOR TOWED VEHICLES. (IN CONNECTION W/00R-5) - CLERK read an ordinance, introduced by Annette McRoy, accepting and approving a Lease Agreement between the City of Lincoln and Phantom, Inc. for the lease of City owned property for use as an impound lot for towed vehicles, the first time.

ESTABLISHING RESIDENTIAL & COMMERCIAL CLASSES OF GAS SERVICE & APPLICABLE RATES TO BE CHARGED BY PEOPLES NATURAL GAS FOR GAS SERVICE WITHIN THE CITY. (IN CONNECTION W/00-8) - CLERK read an ordinance, introduced by Annette McRoy, establishing residential and commercial classes of gas service and applicable rates to be charged by Peoples Natural Gas Company, Division of UtiliCorp united Inc. (Peoples), for gas service within the City of Lincoln, Nebraska (People's Rate Area Two), the first time.

REAFFIRMING THE PREVIOUSLY APPROVED TARIFFS APPLICABLE TO THE TRANSPORTATION OF NATURAL GAS THROUGH THE 12-INCH NATURAL GAS PIPELINE WHICH IS CONNECTED TO THE DISTRIBUTION SYSTEM SERVING THE CITY (LINCOLN LATERAL). (IN CONNECTION W/00-7) - CLERK read an ordinance, introduced by Annette McRoy, reaffirming the previously approved tariffs applicable to the transportation of natural gas through the 12-inch natural gas pipeline which is connected to the distribution system serving the city of Lincoln, Nebraska, and which is commonly referred to as the Lincoln Lateral, the first time.

ANNEXING APPROX. 318 ACRES OF PROPERTY GENERALLY LOCATED NORTH OF HWY. 34, SOUTH OF ALVO RD., & WEST OF N. 1ST ST. (IN CONNECTION W/00-10, 00R-16, 00R-17, 00R-18, 00R-19, 00R-20) - CLERK read an ordinance, introduced by Annette McRoy, annexing approximately 318 acres of property generally located north of Hwy. 34, south of Alvo Rd., & west of N. 1st St., the first time.

CHANGE OF ZONE 3202 - APP. OF NEBCO, INC. FOR A CHANGE FROM AG AGRICULTURAL TO R-3 RESIDENTIAL, O-3 OFFICE PARK, & B-2 PLANNED NEIGHBORHOOD BUSINESS ON PROPERTY GENERALLY LOCATED NORTH OF HWY. 34, SOUTH OF ALVO RD., & WEST OF N. 1ST ST. (IN CONNECTION W/00-9, 00R-16, 00R-17, 00R-18, 00R-19, 00R-20) - CLERK read an ordinance, introduced by Annette McRoy, amending the

Lincoln Zoning District Maps attached to and made a part of Title 27 of

the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

MISCELLANEOUS BUSINESS

PENDING LIST -

MAN. APP. OF JON MACKEY FOR FAMOUS DAVE'S RIBS-U, INC. DBA FAMOUS DAVE'S AT 2750 PINE LAKE RD. CLERK requested to remove Resolution for Public Hearing on 1/24/00.

JOHNSON So moved.

 Seconded by Shoecraft & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

COOK Moved to extend the Pending List for 1 week.

 Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

UPCOMING RESOLUTIONS -

COOK Moved to approve the resolutions to have Public Hearing on Jan. 18, 2000.

 Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ADJOURNMENT

2:35 P.M.

COOK Moved to adjourn the City Council Meeting of Jan. 10, 2000.

 Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

 So ordered.

Paul A. Malzer, Jr., City Clerk

Judy Roscoe, Office Assistant III

